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December 2, 2005

U.S. DISTRICT COURT  
DISTRICT OF MASS.

**BY FIRST CLASS MAIL**

Susan A. Thornton, Clerk of Court  
United States District Court  
John Joseph Moakley U.S. Courthouse  
One Courthouse Way  
Boston, Massachusetts 02210

**Re: Ronald Qualls v. Louis Russo**  
**United States District Court Docket No. 0510888NMG**

Dear Ms. Thornton,

On November 14, 2005, at the request of the State Attorney General's Office, we filed a procedural form AO 241 for the Original Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody referenced above. The Petition itself had been timely filed with the Honorable Court in late April, 2005.

It has since come to our attention that on page 3, No. 7 there was a typo. We have corrected the typo and are attaching a new page three for filing.

Sorry for any inconvenience this may have caused. If you should have any questions, please feel free to contact the office at (617) 227-2800.

Sincerely,



Brad Bailey

BB/cam  
Enclosure

cc: Assistant A.G. Maura McLaughlin (with attachments)

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(Rev. 12/04)

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(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to?

(c) If you went to trial, what kind of trial did you have? (Check one)

☒ Jury ☐ Judge only

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

☐ Yes ☒ No

8. Did you appeal from the judgment of conviction?

☒ Yes ☐ No

9. If you did appeal, answer the following:

(a) Name of court: Supreme Judicial Court

(b) Docket or case number (if you know):

(c) Result: The Supreme Judicial Court reversed the convictions after the first appeal and he was granted a new trial. After his second appeal Mr. Qualls' convictions were affirmed by the SJC.

(d) Date of result (if you know):

December 15, 2003

(e) Citation to the case (if you know): Commonwealth v. Qualls, 440 Mass. 576 (2003).

(f) Grounds raised:

Out of Court statements were irrelevant and not admissible under the state-of-mind exception to the hearsay rule.

(g) Did you seek further review by a higher state court? ☒ Yes ☐ No

If yes, answer the following:

(1) Name of court: Supreme Judicial Court

(2) Docket or case number (if you know): 08088

(3) Result: Petition for rehearing was denied.

(4) Date of result (if you know):

January 29, 2004

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(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to?

(c) If you went to trial, what kind of trial did you have? (Check one)

☒ Jury ☐ Judge only

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

☐ Yes ☒ No

8. Did you appeal from the judgment of conviction?

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9. If you did appeal, answer the following:

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